

REQUEST FOR QUALIFICATIONS

Washington State Department of Transportation

SR 167 / 8th St E Vic to S 277th St Vic – Southbound HOT Lane Project

**ISSUED:
July 1, 2014**

**STATEMENTS OF QUALIFICATIONS DUE:
July 31, 2014**

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1.0 INTRODUCTION

1.1 REQUEST FOR QUALIFICATIONS

The Washington State Department of Transportation (WSDOT) is requesting Statements of Qualifications (SOQ) from entities (Submitters) interested in submitting Design-Build Proposals for the SR 167 / 8th St E Vic to S 277th St Vic – Southbound HOT Lane Project (Project) located in King and Pierce Counties, Washington. By submitting an SOQ, Submitters agree to be bound by the requirements of this Request for Qualifications (RFQ). Submitters shall satisfy all requirements specified in this RFQ. Failure of the Submitter to meet these requirements may result in rejection of its SOQ.

This RFQ can be made available in an alternative format by emailing WSDOT Diversity/ADA Compliance Team at wsdotada@wsdot.wa.gov or by calling toll free (855) 362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay Service at 711.

2.0 CONTACT INFORMATION

2.1 SUBMITTAL INFORMATION POINT OF CONTACT

Each Submitter shall provide WSDOT's Contract Ad & Award Office with the name, address, phone number, fax number, and email address of its contact person. WSDOT will distribute addenda and other communications directly to the contact person. The distributed information will also be posted on the WSDOT website. The Submitter's contact person is responsible for distributing copies of addenda and other RFQ-related information within their team.

The SOQ shall be submitted to WSDOT's Contract Ad & Award Office using the following address:

Jenna Fettig
WSDOT Contract Ad & Award Office
P.O. Box 47360
Olympia, WA 98504-7360
Phone: (360) 705-7017
Email: FettigJ@wsdot.wa.gov

Submitters should not contact the Contract Ad & Award Office for technical clarification of the RFQ or related Project specifics. The WSDOT Technical Point of Contact designated in Section 2.2 will address project-specific questions and technical clarifications.

2.2 WSDOT TECHNICAL POINT OF CONTACT

Submitters who have questions or need further clarification or information regarding the technical aspects of the RFQ or the Project should contact the following designated WSDOT Technical Point of Contact by letter, phone, or email as follows:

Sharif Shaklawun, P.E.
WSDOT NW Region Design Build Program
600 108th Avenue NE, Suite 405
Bellevue, WA 98004
Phone: (425) 456-8639
Email: shaklas@wsdot.wa.gov

3.0 PROCUREMENT PROCESS

3.1 PROCESS OVERVIEW

WSDOT will use a two-step procurement process to select a design-build contractor (Design-Builder) to deliver the Project. The issuance of this RFQ is part of the first step to solicit information from potential design-builders in the form of SOQs. WSDOT will evaluate and score submitted SOQs to determine which Submitters are the most highly qualified to deliver the Project. WSDOT will short-list three to five of the most highly qualified Submitters to advance to the second step in the procurement.

In the second step, WSDOT will issue a Request for Proposal (RFP) for the Project to the short-listed Submitters. Only the short-listed Submitters will be eligible to submit Proposals for the Project. Each short-listed Submitter who submits a Proposal in response to the RFP is referred to herein as a “Proposer.” WSDOT may award a design-build Contract for the Project to the Proposer offering the apparent best value, to be determined as described in the RFP.

WSDOT will pay a stipend of \$150,000 to all Proposers who submit a responsive Proposal.

WSDOT may cancel or re-advertise this procurement at its discretion. In such a case, WSDOT may offer a stipend to all responsive Proposers.

3.2 PROCUREMENT SCHEDULE

The procurement schedule for this RFQ is shown in Table 3.2 below. This schedule is subject to revision by the RFP and addenda to this RFQ.

Table 3.2 PROCUREMENT SCHEDULE

Action	Dates
Step 1 – SOQ Phase	
RFQ Issue Date	July 1, 2014
Voluntary Submitter's Meeting	July 9, 2014
Deadline for submitting RFQ questions	July 17, 2014
Deadline for WSDOT response to RFQ questions	July 24, 2014
SOQ Due Date	July 31, 2014
Notify short-listed Submitters	August 20, 2014
Step 2 – Proposal Phase	
Issue RFP	August 20, 2014
Voluntary Proposer's Meeting	August 27, 2014
ATC Submittal Deadline	October 23, 2014
Deadline for Submitting Proposers' questions	October 23, 2014

Action	Dates
Deadline for WSDOT response to Proposers' questions	October 30, 2014
Proposals Due	November 14, 2014
Announce Best Value Proposer	December 4, 2014
Estimated Notice to Proceed	December 31, 2014

3.3 QUESTIONS, CLARIFICATIONS, AND ADDENDA

Questions and requests for clarification regarding this RFQ shall be submitted in writing to WSDOT's Technical Point of Contact. To be considered, all questions and requests must be received by 11:00 a.m., Pacific Time, on the date indicated in Table 3.2.

WSDOT reserves the right to revise this RFQ at any time before the SOQ Due Date indicated in Table 3.2. Such revisions, if any, will be announced by addenda to this RFQ.

WSDOT will use the following guidelines when responding to questions and requests for clarification and issuing addenda:

- Questions and requests for clarification will be posted to WSDOT's Contract Ad & Award website at <http://www.wsdot.wa.gov/biz/contaa/DESIGNBUILDCONTRACTS/8th%20St%20E%20Vic%20to%20S%20277th/Default.htm>
- WSDOT will answer questions and requests for clarification by posting a response on its Contract Ad & Award website.
- WSDOT will send an email notification to the contact person for each Submitter as soon as each addendum, response, or group of responses is issued. When possible, the notification will include an electronic copy of the addendum or clarification.

The Submitters shall acknowledge receipt of all addenda by completing Form A, Acknowledgment of Receipt of Addenda, which is included in Appendix A of this RFQ. The completed Form A shall be included in the SOQ submittal package as Appendix C to the SOQ.

3.4 EX PARTE COMMUNICATIONS

Submitters are expected to conduct themselves with professional integrity and to refrain from lobbying activities. During the procurement process (commencing with issuance of this RFQ and continuing until execution of a Contract for the Project or cancellation of the procurement), no employee, member, agent, advisor, or consultant of any Submitter shall have any ex parte communications, directly or indirectly, regarding this procurement with any representative of WSDOT or the Federal Highway Administration (FHWA), including their staff, advisors, contractors, or consultants (as described in Section 5.2) involved with the procurement, except for communications expressly permitted by this RFQ (or, subsequent to issuance of the RFP, except for communications expressly permitted by the RFP).

Any verified allegation that a Submitter or an employee, agent, advisor, consultant, or subcontractor of a Submitter has engaged in such prohibited communications or attempted

to unduly influence the selection process may be cause for WSDOT to disqualify the Submitter from participating, all at the discretion of WSDOT.

3.5 VOLUNTARY MEETING FOR POTENTIAL SUBMITTERS

WSDOT will hold an informational meeting for potential Submitters regarding this RFQ on the date indicated in Table 3.2. Attendance at this meeting is not a prerequisite to being a Submitter. The meeting will be held from 1:00 p.m. to 2:30 p.m. at the following location:

Bellevue City Hall
Council Chambers
450 110th Avenue NE
Bellevue, WA 98009

3.6 WSDOT'S RIGHTS

Throughout the procurement process, WSDOT reserves the right, at its sole discretion, to:

- Appoint evaluation committees to review SOQs and Proposals;
- Investigate the qualifications of any Submitter or Proposer;
- Seek or obtain data from any source related to the SOQs or Proposals;
- Require confirmation of information furnished by a Submitter or Proposer;
- Hold meetings and conduct discussions and correspondence with the Submitters and Proposers to seek an improved understanding and evaluation of the SOQs or Proposals;
- Require additional information from a Submitter or Proposer concerning its SOQ or Proposal;
- Seek and receive clarifications to a SOQ or Proposal;
- Require additional evidence of qualifications to perform the Work;
- Modify the procurement process;
- Waive minor deficiencies and irregularities in a SOQ or Proposal;
- Reject any or all of the SOQs or Proposals;
- Issue a new RFQ or RFP;
- Issue a request for Best and Final Offers;
- Cancel a Contract signed by the selected Design-Builder but not yet executed by WSDOT; and
- Not issue a Notice to Proceed after execution of the Contract.

4.0 SCOPE OF THE PROJECT

4.1 ESTIMATED COST

The estimated Contract cost of the Project is approximately \$50,000,000.

4.2 TIME FOR COMPLETION

WSDOT anticipates that the Project will be Substantially Complete by December 31, 2016.

4.3 WSDOT'S PROJECT GOALS

It is WSDOT's expectation that the Design-Builder will design and construct the Project in consideration of WSDOT's Project goals.

WSDOT has established the following goals for the Project:

- 1) Excellent Project Management – Through effective Project management, provide a successful design-build Project by collaborating with WSDOT to efficiently resolve issues at the Project level and by implementing a strong quality management program.
- 2) Minimize Impacts – Reduce impacts to the traveling public and the local community through use of effective design and construction methods.
- 3) Forward Compatibility – Design and construct this Project in a way that minimizes demolition and reconstruction of features constructed by this Project when the future SR 167 Stage 5 project is built.
- 4) Environmental Compliance – Meet or exceed environmental requirements with no permit violations.

4.4 PROJECT SCOPE AND STATUS

The following Project scope is provided to Submitters to assist in developing a team with the expertise that is required for the Project. The Design-Builder shall be responsible for management, design, and construction of the Project. The design and construction by the Design-Builder shall be in accordance with WSDOT's guidelines and standards as required by the RFP. WSDOT's intent is to allow flexibility in design and construction to accommodate processes, procedures, and innovative techniques that are preferred by the Design-Builder, as long as they are consistent with site conditions, good engineering practices, context sensitive solutions, environmental documents and permits, other standards, guidelines, and procedures identified in the RFP, and the Project goals. The scope of Work presented in this RFQ for the Project may or may not be the final scope of Work presented in the RFP for the Project.

This Design-Build Project is being funded by the State of Washington.

WSDOT intends to co-locate its staff and owner representatives with the Design-Builder's staff. Specifics of these co-location requirements will be described further in the RFP.

The Project shall widen SR 167 southbound and extend the HOT Lane from the vicinity of 8th Street E in Pierce County to the vicinity of S 277th Street in King County.

The freeway improvements shall include, but are not limited to, the following:

- The HOT Lane extension includes providing an additional southbound SR 167 lane of capacity over SR 18.
- Seismically retrofit Bridge 167/111W-N (15th Street SW to the northbound SR 167 on-ramp).
- Construct noise walls along the east side of northbound SR 167 in the vicinity of the City of Algona.

- Construct high-performance concrete barrier from MP 11.39 to MP 13.10.
- Construct an HOV bypass lane and install a ramp meter on each of the following on-ramps:
 - 8th Street E to southbound SR 167.
 - 8th Street E to northbound SR 167.
 - Ellingson Road to southbound SR 167.
 - Ellingson Road to northbound SR 167.
 - Eastbound 15th Street SW to southbound SR 167.
 - Westbound 15th Street SW to southbound SR 167.
- Install a new signal at the southbound 8th Street E ramp terminal and improve the pedestrian connections within the limited access.
- Install a new signal at the southbound Ellingson Road ramp terminal and improve the pedestrian connections within the limited access.
- Upgrade existing signal at the 8th St E to northbound SR 167 on-ramp.
- Construct stormwater flow control and quality treatment facilities.
- Replace the existing Jovita Creek double barrel fish barrier culvert with a fully fish passable structure that meets current stream simulation requirements.
- Remove the existing fish barrier culvert 73A and restore and enhance the stream channel.
- Construct and maintain mitigation to compensate for unavoidable impacts to wetlands, streams, and their associated buffers.
- Provide compensatory floodplain storage mitigation.
- Provide traffic elements such as signing, illumination, ITS, and Toll Infrastructure.

5.0 TEAMING PARAMETERS

5.1 MAJOR PARTICIPANT

As used herein, the term “Major Participant” means any of the following entities:

- A. The Submitter, or if the Submitter is a partnership, joint venture, limited liability company, or other form of association, any general partners, joint venture members, or members of the Submitter.
- B. All individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or any other legal entity however organized holding (directly or indirectly) a 15 percent or greater interest in the Submitter.
- C. The entity providing WSDOT pre-qualification in accordance with Section 7.4 of this RFQ.
- D. The lead engineering/design firms.

- 1 E. Each engineering/design sub-consultant who is expected to perform 30 percent or
2 more of the design Work.
- 3 F. Each subcontractor who is expected to perform 20 percent or more of the
4 construction Work.
- 5 G. The firm or personnel who will be performing quality assurance inspection and
6 materials quality testing and documentation for the Project.

7 **5.2 WSDOT CONSULTANT/TECHNICAL SUPPORT**

8 WSDOT has retained the consulting firms HNTB and PRR to provide guidance in
9 preparing this RFQ, the RFP, and advice on related financial, contractual, and technical
10 matters. WSDOT has also contracted with ETC Corporation to be the Toll Vendor for this
11 Project. These firms are prohibited from joining any Submitter's team or otherwise
12 assisting any Submitter in connection with the procurement process.

13 **5.3 ORGANIZATIONAL CONFLICTS OF INTEREST**

14 Organizational conflict of interest means that because of other activities or relationships
15 with other persons or entities, a person or entity:

- 16 1. Is unable or potentially unable to render impartial assistance or advice to WSDOT;
17 or
- 18 2. Is or might be otherwise impaired in its objectivity in performing the Contract
19 Work; or
- 20 3. Has an unfair competitive advantage.

21 The integrated nature of the design-build project delivery method creates the potential for
22 organizational conflicts of interest. Disclosure, evaluation, neutralization, and
23 management of these conflicts and of the appearance of conflicts is in the interest of the
24 public, WSDOT, and the consulting and construction communities.

25 WSDOT will take steps to ensure that individuals involved in the preparation of the
26 procurement package, evaluation of SOQs and Proposals, and Design-Builder selection are
27 not influenced by organizational conflicts of interest, and that no Submitter is given an
28 unfair competitive advantage over another.

29 Attention is directed to the requirement for disclosure of organizational conflicts of interest
30 set forth in 23 CFR Section 636.116(a) (2), WSDOT Secretary's Executive Order E-
31 1059.00, and WSDOT Organizational Conflicts of Interest Manual. Submitters are
32 required to identify any potential organizational conflicts of interest in Appendix C of the
33 SOQ.

34 Submitters are required to disclose all relevant facts concerning any past, present, or
35 currently planned interests, activities, or relationships which may present an organizational
36 conflict of interest. Submitters shall state how their interests, activities, or relationships, or
37 those of the chief executives, directors, key project personnel, or any proposed Consultant,
38 Sub-Consultant at any tier, contractor, or subcontractor at any tier may result, or could be
39 viewed as, an organizational conflict of interest prior to or in the SOQ, in accordance with
40 Secretary's Executive Order E-1059.00 and WSDOT Organizational Conflicts of Interest
41 Manual (M 3043). Submitters shall submit the *Organizational Conflicts of Interest*
42 *Certification* and *Organizational Conflicts of Interest Disclosure and*
43 *Avoidance/Neutralization Plans* (forms contained in Appendix A) as described elsewhere
44 in this RFQ.

If an Organizational Conflict of Interest is determined to exist, WSDOT may, at its sole discretion: offer the Submitter the opportunity to avoid or neutralize the Organizational Conflict of Interest; disqualify the Submitter from further participation in the procurement; cancel this procurement; or, if award has already occurred, declare the Proposal non-responsive and award the Contract to the next responsive best value Proposer, or cancel the Contract. If the Submitter was aware of an Organizational Conflict of Interest prior to award of a Contract and did not disclose the conflict to WSDOT, WSDOT may terminate the Contract for default. WSDOT may also disqualify a Submitter if any of its Major Participants listed in Categories A, B, C, or D in Section 5.1 belong to more than one Submitter organization.

The Submitters shall complete Form B1, Organizational Conflict of Interest Certification, which is included in Appendix A of this RFQ. If necessary, the Submitters shall also complete Form B2, Organizational Conflicts of Interest Disclosure, which is included in Appendix A of this RFQ. The completed Form B1 (and B2 if necessary) shall be included in the SOQ submittal package as Appendix C to the SOQ.

5.4 TEAM CONTINUITY AND CHANGES TO ORGANIZATIONAL STRUCTURE

Following submittal of the SOQ, Key Personnel or Major Participants identified in the SOQ may not at any time be removed, replaced, or added without the written approval of WSDOT's Technical Point of Contact. WSDOT's Technical Point of Contact may revoke the short-list status of a Submitter if any Key Personnel or Major Participant identified in the SOQ is removed, replaced, or added without written approval of WSDOT's Technical Point of Contact. Requests for removal, replacements, and additions shall be submitted in writing. To qualify for approval, the written request shall document that the proposed removal, replacement, or addition will be equal to or better qualified than the Key Personnel or Major Participant provided in the SOQ. WSDOT's Technical Point of Contact will use the criteria specified in this RFQ to evaluate all requests.

5.5 EQUAL EMPLOYMENT OPPORTUNITY

Discrimination in all phases of contracted employment, consultant activities, contracting activities and training is prohibited by Title VI of the Civil Rights Act of 1964, Section 162(a) of the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Justice System Improvement Act of 1979, the Americans with Disabilities Act of 1990, the Civil Rights Restoration Act of 1987, 49 CFR Part 21, the Washington State Law Against Discrimination, RCW 49.60, and other related laws and statutes. The referenced legal citations establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as required by this RFQ. Further requirements and discussions regarding Equal Employment Opportunity policies at all contracting levels will be set forth in the RFP.

5.6 DISADVANTAGED, MINORITY, AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

This Section has been intentionally omitted.

5.7 MINORITY AND WOMEN'S BUSINESS ENTERPRISES PARTICIPATION

WSDOT encourages participation in all of its contracts by Minority and Women's Business Enterprises (MWBE) as certified by the Office of Minority and Women's Business Enterprises (OMWBE) and defined in WAC 326-02-030. WSDOT has established a voluntary goal of 14 percent for MWBE participation for the Project. The participation goals will be included in the RFP. Nevertheless, unless required by federal law, no preference will be given for meeting or exceeding voluntary goals for MWBE participation in the evaluation of Proposals; no minimum level of MWBE participation shall be required as a condition for receiving a Contract award; and Proposals will not be rejected or considered non-responsive due to a failure to meet voluntary goals. Bidders may contact OMWBE to obtain information on certified MBE/WBE firms.

6.0 SUBMITTAL QUANTITIES AND LOGISTICS

6.1 SOQ SUBMITTAL QUANTITIES

Each Submitter shall provide the following:

- One original unbound SOQ showing original signatures;
- One electronic copy of the SOQ in PDF format on a CD with the Sections and Subsections bookmarked; and
- Eight hard copies of the SOQ.

The original shall be identified as the original on its front cover in colored ink. Each hard copy shall be identified on its front cover, in the upper right-hand corner, as "Copy X of 8 Copies."

The unbound original, hard copies, and CD shall be packed together in one sealed package for delivery to WSDOT. The outside of the sealed package shall be clearly identified, labeled, and addressed with the following:

- A return address including the Submitter's name, contact person's name, and mailing address;
- The address of WSDOT's Contract Ad & Award Office, as indicated in Section 2.1;
- "SR 167 / 8th St E Vic to S 277th St Vic – Southbound HOT Lane Project," "Design-Build Project," and "Statement of Qualifications"; and
- The date of the submittal.

6.2 DUE DATE, TIME, AND LOCATION

All sealed SOQs shall be received at one of the following locations prior to 11:00 a.m., Pacific Time, on the SOQ Due Date indicated in Table 3.2:

By U.S. mail:

Jenna Fettig
WSDOT Contract Ad & Award Office
P. O. Box 47360
Olympia, WA 98504-7360

WSDOT will consider notification of bid receipt by the WSDOT Mail Room as the actual receipt of the SOQ.

By hand (in person or by courier):

WSDOT Contract Ad & Award Office
Transportation Building, Room 2D-20
310 Maple Park Avenue SE
Olympia, WA 98501-7360

SOQs delivered in person will be received only in the WSDOT Contract Ad & Award Office, Room 2D-20.

WSDOT will not accept SOQs by facsimile or electronic transmission. Any SOQ that fails to meet the deadline or delivery requirement will be rejected and returned to the Submitter without having been opened, considered, or evaluated.

6.3 WITHDRAWAL OF SOQ

After submitting an SOQ to WSDOT, the Submitter may withdraw the SOQ if the following occurs:

- The Submitter submits a written request signed by an authorized representative of the Submitter; and
- WSDOT receives the request before the SOQ due date.

The original SOQ may be revised and resubmitted if WSDOT receives the revised SOQ before the SOQ due date.

7.0 SOQ CONTENT AND EVALUATION CRITERIA

This Section outlines the requirements of each Section of the SOQ and how each Section will be scored.

The information provided in the SOQ will be scored either pass/fail or qualitatively as shown in Table 7.2. If a Submitter receives a passing score on all pass/fail evaluation factors, its SOQ will be further evaluated using the scoring criteria. If a Submitter fails on any single pass/fail requirement, the SOQ may be rated unacceptable, in which case a qualitative evaluation of the SOQ will not be performed, and the Submitter will not be included on the short-list.

A WSDOT Evaluation Committee will perform a qualitative assessment of the information provided in Sections 2 and 3 of the SOQ.

The SOQ shall demonstrate, through project experience, the ability of the Key Personnel and Major Participants to successfully complete the Project and meet the Project goals. WSDOT reserves the right to contact references for individuals and projects other than those identified by the Submitters to evaluate past performance.

7.1 QUALITATIVE EVALUATION PROCESS

The qualitative evaluation score for Sections 2 and 3 will be determined as follows:

- The WSDOT evaluation committee will review each SOQ identifying significant and minor strengths, and significant and minor weaknesses of the Submittals. The Evaluation Committee may also use a "high" or "low" prefix to further differentiate the strengths or weaknesses. When, in the judgment of the evaluation committee, an SOQ element does not equate to a strength or weakness, but is being acknowledged, a "Neutral" will be identified.

Strengths and weaknesses are defined as follows:

- Strengths** – That part of the SOQ which ultimately represents a benefit to the Project and is expected to increase the Submitter's ability to meet or exceed the Project goals. A minor strength has a slight positive influence on the Submitter's ability to meet or exceed the Project goals, while a significant strength has a considerable positive influence on the Submitter's ability to meet or exceed the Project goals.
- Weaknesses** – That part of the SOQ which detracts from the Submitter's ability to meet the Project goals or may result in an inefficient or ineffective performance. A minor weakness has a slight negative influence on the Submitter's ability to meet the Project goals, while a significant weakness has a considerable negative influence on the Submitter's ability to meet the Project goals.

Based on the identified strengths and weaknesses, the evaluation team will select an adjectival rating and select a percent of maximum score in the identified range in accordance with Table 7.1.

After selecting a percent of maximum score for Sections 2 and 3, the SOQ score will be calculated by multiplying the percent of maximum score by the points available listed in Table 7.2 and then summing the calculated scores.

Table 7.1 ADJECTIVAL EVALUATION AND SCORING GUIDE

Adjective	Description	Percent of Max. Score
Excellent (E)	SOQ supports an extremely strong expectation of successful Project performance if ultimately selected as the Design-Builder. SOQ indicates significant strengths and/or a number of minor strengths and no appreciable weaknesses. Submitter provides a consistently outstanding level of quality.	100 - 90 %
Very Good (VG)	SOQ indicates significant strengths and/or a number of minor strengths and no significant weaknesses. Minor weaknesses are offset by strengths. There exists a small possibility that, if ultimately selected as the Design-Builder, the minor weaknesses could slightly adversely affect successful Project performance.	89 - 75 %
Good (G)	SOQ indicates significant strengths and/or a number of minor strengths. Minor and significant weaknesses exist that could detract from strengths. While the weaknesses could be improved, minimized, or corrected, it is possible that if ultimately selected as the Design-Builder, the weaknesses could adversely affect successful Project performance.	74 - 50 %

Adjective	Description	Percent of Max. Score
Fair (F)	SOQ indicates weaknesses, significant and minor, which are not offset by significant strengths. Few minor strengths exist. It is probable that if ultimately selected as the Design-Builder, the weaknesses would adversely affect successful Project performance.	<u>49 - 25 %</u>
Poor (P)	SOQ indicates existence of significant weaknesses and/or minor weaknesses and no appreciable strengths. SOQ indicates a strong expectation that successful performance could not be achieved if Submitter were selected as the Design-Builder.	<u>24 - 0 %</u>

1

2 7.2 SOQ ORGANIZATION AND SCORING

3 The Submitter shall organize the SOQ using the following Section headings, order of
4 documents, and maximum number of pages:

5 **Table 7.2 SOQ ORGANIZATION AND SCORING**

Section	Section Title and Required Information	Maximum Pages	Points Available
1	Introduction Letter	2	Pass/Fail
2	Key Personnel (600)	10	
	Project Manager (325)		
	Goal 1		200
	Goal 2		50
	Goal 3		25
	Goal 4		50
	Design Manager (175)		
	Goal 1		75
	Goal 2		50
	Goal 3		25
	Goal 4		25
	Construction Manager (100)		
	Goal 1		50
	Goal 2		25
	Goal 3		0
	Goal 4		25
3	Major Participants (400)	10	
	Criteria 1		125
	Criteria 2		75
	Criteria 3		75
	Criteria 4		50
	Criteria 5		25

Section	Section Title and Required Information	Maximum Pages	Points Available
	Criteria 6		25
	Criteria 7		25
Appendix A	Legal	As required	Pass/Fail
Appendix B	Financial	As required	Pass/Fail
Appendix C	Form A: Acknowledgment of Receipt of Addenda	1	Pass/Fail
Appendix C	Form B1: Organizational Conflict of Interest Certification	1	Pass/Fail
Appendix C	Form B2: Organizational Conflict of Interest Disclosure Form	As required	Pass/Fail
	Total		1000

7.3 SOQ FORMAT

The SOQ shall be formatted as follows:

- **Language:** All information shall be in English.
- **Type Font:** All narrative text shall be single-spaced in a regular style font at a minimum of 12 points. The type style and size of headings and figures are not prescribed.
- **Page Size:** Except for charts, exhibits, and other illustrative and graphical information, all information shall be printed on 8.5-inch by 11-inch paper. Charts, exhibits, and other illustrative and graphical information may be on 11-inch by 17-inch paper. The 11-inch by 17-inch paper, if any, shall be folded to 8.5-inch by 11-inch and will be counted as one sheet.
- **Page Margins:** No text, tables, figures, photos, or other substantive content shall be printed within 0.75 inch of any page edge.
- **Page Limit:** Page limits are described in Table 7.2. The SOQ shall include only information required by this RFQ. No other information will be considered in the evaluation of the SOQ.
- **Dividers:** Section dividers shall contain the Section number and/or Section title. No other text is permitted on the dividers. The dividers will not be counted toward the allowable page total.
- **Binding:** Each copy of the SOQ shall be bound separately.
- **Front Cover:** The front cover of each SOQ shall be labeled with the name of the Submitter, along with the following:
SR 167 / 8th St E Vic to S 277th St Vic – Southbound HOT Lane Project
Design-Build Project
Statement of Qualifications
[Date of Submittal]

7.4 INTRODUCTION LETTER (SECTION 1) (PASS/FAIL)

The Introduction Letter shall be addressed to WSDOT's Technical Point of Contact, and it shall include the following information:

- Submitter name, address, business type (e.g., corporation, partnership, joint venture).
- Roles of the Submitter and each Major Participant.
- A statement that the Submitter, or at least one Major Participant who is performing construction, is pre-qualified with WSDOT for Work Class 1 in the amount of \$20 million or more, and is pre-qualified with WSDOT for Work Class 6 or 20 in the amount of \$10 million or more.
- Identification of a single contact person, address, telephone and fax numbers, and email.
- Certification of the truth and correctness of the SOQ.
- Statement that the Submitter shall comply with applicable laws and regulations.
- Signature of authorized representatives.

7.4.1 EVALUATION CRITERIA

The Introduction Letter will be evaluated on a pass/fail basis. At the discretion of the WSDOT Evaluation Committee, contents of the Introduction Letter may be considered during qualitative assessment of the SOQ.

7.5 KEY PERSONNEL (SECTION 2) (600 POINTS)

The purpose of this Section is to demonstrate the Submitters' understanding of how the experiences and qualifications of the Key Personnel can contribute to the overall success of the Project. The Submitter shall present the Key Personnel (Project Manager, Design Manager, and Construction Manager) and explain how their experiences and past performance make them uniquely qualified to lead the Project.

WSDOT seeks Key Personnel who can demonstrate experience on major roadway projects with a similar level of complexity. The Submitter shall relate relevant experience of the Key Personnel to each of the Project goals. This Section shall include experience of the Key Personnel related to design and construction.

The Key Personnel include the following:

Project Manager

- The Design-Builder's Project Manager shall be responsible for the overall design, construction, schedule, budget, quality management, and Contract administration for the Project. It is the Project Manager's responsibility to ensure the Project is managed and delivered in accordance with the Contract requirements and to ensure that the Design-Builder meets or exceeds the Project goals. The Project Manager must have a minimum of five years' experience in managing the delivery of transportation projects of similar scope and complexity. This person shall be assigned to the Project full-time from Notice to Proceed to Physical Completion and available to assist in issue resolution from Notice to Proceed through Completion.

Construction Manager

- The Construction Manager shall be responsible for all Project construction. It is the Construction Manager's responsibility to ensure the construction is managed and delivered in accordance with the Contract requirements and to ensure that the Work meets or exceeds the Project goals. The Construction Manager shall have a minimum of five years' experience managing the construction of transportation projects of similar scope and complexity. The Construction Manager shall have experience with managing a diverse group of subcontractors and coordinating with public project owners to comply with local agency and environmental issues and requirements. This person shall be available for design package review and shall be available to attend Project meetings during construction. This person shall be assigned to the Project full-time during construction activities.

Design Manager

- The Design Manager shall be responsible for ensuring that the overall Project design is completed, design criteria are met, and the design is managed and delivered to meet or exceed the Project goals. The Design Manager shall have a minimum of five years' experience managing the design of transportation projects of similar scope and complexity. The Design Manager shall be assigned to the Project full-time from Notice to Proceed through substantial completion of the design effort, and shall be available as needed during construction activities.
- The Design Manager shall be a registered Professional Engineer in the State of Washington prior to execution of the Contract. Unless otherwise stated, WSDOT will not require that the Design Manager's professional engineering license be in place as of the Proposal due date, provided the Proposal includes a commitment that the license will be obtained prior to execution of the Contract, and provided further that WSDOT determines that the designated individual is qualified to obtain a license. If, at WSDOT's discretion, the Design Manager fails to meet the minimum qualifications described in this Section, WSDOT may disqualify the Proposer. If a Proposer is selected and WSDOT then determines that the Design Manager does not meet the minimum qualifications, WSDOT may ask the Proposer to replace the Design Manager with someone who meets them. The Washington State Department of Licensing makes all determinations whether an applicant is qualified for licensure as a Professional Engineer in the State of Washington.
- The licensure requirements for the Design Manager will be initially evaluated as either "Pass" or "Fail." A "Fail" rating can be considered a basis for rejecting the SOQ.

7.5.1 RESUMES

Resumes for Key Personnel shall be provided in this Section.

Resumes shall highlight the following information:

- Relevant education, training, licensing, and registration/certification;
- Years of experience performing similar work; and
- Actual work examples relevant to the Project including projects, contracting method used, dates spent on the project, and duties performed.

7.5.1.1 REFERENCES

For each Key Personnel, list three references from different projects that are included on the resume. All references shall be the owner representative who is most familiar with the Key Personnel, and who could best answer project-specific questions. Provide the owner representative's name, email address, and phone number. The owner representative may be a consultant who acted on behalf of the owner for the project. The references must not work for the same company of the person they are referencing. It is important to ensure that the references listed have specific knowledge of the person's experience on the project. Include contracting method for each project listed. Two of the three references for each Key Personnel shall be from projects that are at least 75 percent complete.

WSDOT reserves the right to contact references other than those identified by the Submitters to evaluate past performance.

7.5.2 EVALUATION CRITERIA

The Key Personnel will be evaluated individually on demonstrated experience to successfully fulfill management roles and to successfully meet the Project goals while managing projects of similar scope and complexity. For each Key Personnel, the Submitter shall relate relevant project experience and performance for each of the Project goals listed in Section 4.3. Experience and performance during the last 5 years will carry more importance. Demonstrated experience on projects delivered with a design-build contract is preferred.

Past performance of Key Personnel may be checked by contacting references and will be considered during evaluations.

Maximum points available are listed in Table 7.2.

7.6 MAJOR PARTICIPANTS (SECTION 3) (400 POINTS)

WSDOT seeks Submitters who can demonstrate design and construction experience on major transportation projects. This Section shall describe the details and complexity of one or more projects. Major Participants listed in Categories A, C, D, E, F and G in Section 5.1 shall have at least one project identified. References shall be provided for all projects listed.

7.6.1 REFERENCES

Project reference information shall include scheduled completion milestones based on the Proposal and actual or current projected completion dates; contractor or design firms being referenced; contract amount; description of the work or services provided and percentage of the overall project actually performed by each of the Major Participant(s); contracting method (design-build, GCCM, design-bid-build, etc.); and references (owner representative name, email address, and phone number). All references shall identify the owner representative who is most familiar with the project and who could best answer project-specific questions. The owner representative may be a consultant who acted on behalf of the owner for the project. The references must not work for the same company of the person they are referencing. At least one reference for each Major Participant shall be from a project that is at least 75 percent complete.

References may be contacted at WSDOT's discretion to verify information provided in the SOQ.

7.6.2 EVALUATION CRITERIA

The Major Participants will be evaluated on demonstrated project experience and performance. For each Major Participant, the Submitter shall relate relevant project experience for each of the applicable criteria:

- 1) Experience collaborating with a public agency owner on a design-build project to efficiently resolve issues at the project level in a timely and cost effective manner.
- 2) Experience managing a design-build transportation project quality assurance program to ensure all work and materials meet or exceed contract requirements.
- 3) Experience of the proposed Major Participants, listed in Section 5.1, successfully working together as an integrated team.
- 4) Experience designing and constructing wetland or stream mitigation sites greater than 2 acres in size.
- 5) Experience completing major roadway transportation projects with excellent environmental compliance performance.
- 6) Experience designing and constructing bridge structures within a high seismic region where soils are susceptible to liquefaction, loss of strength, or deformation during seismic conditions.
- 7) Experience designing and constructing roadway toll infrastructure in collaboration with the project owner and the toll vendor.

Submitters will be scored on how their experience on previous projects, related to the bulleted criteria above, prepares their team for success on this Project. Demonstrated experience on projects of similar scope and complexity is preferred. Submitters shall describe how skills and experience gained on listed projects will be translated to the staff committed to delivering this Project.

WSDOT also plans to evaluate Submitters based on their performance on previous projects. Past performance of Major Participants may be checked by contacting references.

Maximum points available for each criterion are listed in Table 7.2.

7.7 LEGAL (APPENDIX A) (PASS/FAIL)

The Submitter shall provide a description of the legal entity proposed as the Design-Builder. If the Submitter's legal entity has already been formed, the Submitter shall provide complete copies of the organizational documents, along with those documents that allow, or would allow by the time of Contract award, the Submitter and its team members to conduct business in the State of Washington. If the Submitter's legal entity has not yet been formed, then the Submitter shall provide a brief description of the proposed legal structure and provide draft/final copies of the underlying agreements. Once the legal entity is finalized, the Submitter shall supplement its SOQ with copies of the final organizational documents. The final organizational documents shall be submitted no later than 15 Calendar Days before the Proposal due date as described in the RFP.

If the Submitter is a joint venture, limited liability company, partnership, or other association, the Submitter shall provide an express statement from each of the partners/members as to their joint and several liability on the Project. The Submitter shall use WSDOT Standard Form 410-009 *Individual Project Statement of Joint Venture*. This form is available for download at: <http://www.wsdot.wa.gov/biz/contaa/prequal/>.

In the instructions to Form 410-009, the requirement for pre-qualification applies to those firms performing construction Work on the Project (e.g., contractors). The pre-qualification requirement does not apply to joint venture members providing design and engineering services only.

Interested Submitters not currently pre-qualified with WSDOT should contact WSDOT's Contract Ad & Award Office.

7.7.1 EVALUATION CRITERIA

Appendix A will be reviewed on a pass/fail basis only, and not as part of the qualitative assessment of the SOQ.

7.8 FINANCIAL (APPENDIX B) (PASS/FAIL)

The Submitter shall provide a letter from a surety or insurance company stating whether or not the Submitter is capable of obtaining Proposal and Contract Bonds as indicated in Table 7.8 below.

Table 7.8 FINANCIAL INFORMATION

Proposal Bond/Security Penal Sum	Performance and Payment Bond Penal Sum
\$2,700,000	\$54,000,000
The identified amounts are for RFQ purposes only. Actual amounts of bond/security required by the Contract may vary, and shall be in compliance with applicable Washington law.	

A performance and payment bond is a surety bond furnished by the Design-Builder and the Design-Builder's surety that guarantees performance of the Work and payment to laborers, mechanics, subcontractors, and materials suppliers in accordance with Washington law. The Contract Bond is intended to provide protection to WSDOT for the Design-Builder's obligations with respect to construction and post construction phases of the Project.

The surety letter shall expire no sooner than the Proposal Due Date. Letters indicating "unlimited" bonding capability are not acceptable. The surety or insurance company providing the letter must be authorized to do business in the State of Washington with an A.M. Best Co. "Best's Rating" of A- or better.

7.8.1 EVALUATION CRITERIA

Appendix B will be reviewed on a pass/fail basis only, and not as part of the qualitative assessment of the SOQ.

7.9 FORMS (APPENDIX C) (PASS/FAIL)

Include Form A, Acknowledgement of Receipt of Addenda, included in Appendix A of this RFQ.

Include Form B1, Organizational Conflict of Interest Certification, and Form B2 Organizational Conflict of Interest Disclosure Form (if necessary), included in Appendix A of this RFQ.

7.9.1 EVALUATION CRITERIA

Appendix C will be reviewed on a pass/fail basis only, and not as part of the qualitative assessment of the SOQ.

8.0 PROTEST PROCEDURES

This Section sets forth the exclusive protest remedies available with respect to this RFQ. By submitting its SOQ, each Submitter acknowledges the limitation on its rights to protest as set forth in this RFQ; waives all other rights and remedies; and agrees that the decision on any protest, as provided in this RFQ, shall be final and conclusive unless wholly arbitrary and capricious. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Submitters. Such waiver and agreement by each Submitter are also consideration to each other Submitter for making the same waiver and agreement.

8.1 PROTESTS REGARDING THE REQUEST FOR QUALIFICATIONS (RFQ)

The Submitter may protest the terms of this RFQ prior to the time for submission of SOQs on the grounds that a material provision in this RFQ is ambiguous; any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement; or this RFQ in whole or in part exceeds the authority of WSDOT. Protests regarding this RFQ shall be filed only after the Submitter has informally discussed the nature and basis of the protest with WSDOT's Technical Point of Contact in an effort to remove the grounds for protest.

Protests regarding this RFQ shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of it. Evidentiary statements, if any, shall be submitted under penalty of perjury.

Protests regarding this RFQ shall be filed as soon as the basis for protest is known to the Submitter, but in any event it must be actually received no later than ten Calendar Days before the SOQ due date, provided that protests regarding an addendum to this RFQ shall be filed and actually received by WSDOT no later than five Calendar Days after the addendum to this RFQ is issued (or no later than the SOQ due date, if earlier).

Protests regarding this RFQ shall be filed in writing by hand delivery or courier to the Protest Official, with a copy to WSDOT's Technical Point of Contact. The Protest Official is identified as:

Jenna Fettig
WSDOT Contract Ad & Award Office
Transportation Building, Room 2D-20
310 Maple Park Avenue SE
Olympia, WA 98501-7360

Protests delivered in person will be received only in the WSDOT Contract Ad & Award Office, Room 2D-20.

WSDOT will distribute copies of the protest to the other Submitters and may request the other Submitters to submit statements or arguments regarding the protest. At its discretion, WSDOT may discuss the protest with the protesting Submitter. If other Submitters are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven Calendar Days of the request.

The protesting Submitter shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest. The Protest Official or its designee will decide the protest on the basis of the written submissions. WSDOT will furnish copies of the decision in writing to each Submitter. The decision shall be final and conclusive. If necessary, to address the issues raised in the protest, WSDOT will make appropriate revisions to this RFQ by issuing addenda. At its discretion and if necessary, WSDOT may extend the SOQ due date to address any protest issues. Each party shall bear its own attorney's fees and legal costs that may result from the protest.

The failure of a Submitter to raise the grounds for a protest regarding this RFQ within the applicable time period shall constitute an unconditional waiver of the right to protest the terms of this RFQ and shall preclude consideration of that ground in any protest of qualification of a Submitter.

8.2 PROTESTS REGARDING RESPONSIVENESS AND SHORT-LISTING

A Submitter may protest the results of the above-described evaluation and qualification process by filing a notice of protest by hand delivery or courier to the Protest Official and providing a copy of the notice of protest to WSDOT's Technical Point of Contact. WSDOT will distribute a copy of the notice of protest to the other Submitters. The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify a SOQ on responsiveness grounds must be filed within seven Calendar Days after the earliest to occur of notification of non-responsiveness; the scheduled date for oral meetings and presentations (if any); or the public announcement of short-listed Submitters. Notice of protest of the decision on short-listed Submitters must be filed and received by the Protest Official within seven Calendar Days after the public announcement of the short-listed Submitters.

Within seven Calendar Days of the notice of protest, the protesting Submitter must file with the Protest Official a detailed statement of the grounds, facts, and legal authorities, including all documents and evidentiary statements, in support of the protest. WSDOT will distribute a copy of the detailed statement to all other Submitters. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden of proving its protest by clear and convincing evidence.

Failure to file a notice of protest or a detailed statement within the applicable time period shall constitute an unconditional waiver of the right to protest the evaluation or short-listing process and decisions.

Other Submitters may file a statement with the Protest Official by hand delivery in support of or in opposition to the protest. The statement must be filed within seven Calendar Days after the protesting Submitter files its detailed statement of protest. WSDOT will promptly forward copies of any statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided. At the discretion of the Protest Official or its designee, a hearing or argument may be permitted, if necessary, for protection of the public interest or an expressed, legally recognized interest of a Submitter or WSDOT. The Protest Official or its designee shall issue a written decision regarding the protest within 15 Calendar Days after the Protest Official receives the detailed statement of protest. The decision shall be final and conclusive. The Protest Official or its designee shall deliver the written decision to the protesting Submitter and copies to the other Submitters.

1 If a notice of protest regarding responsiveness is filed prior to the oral meetings and
2 presentation process (if any), WSDOT may proceed with the oral meetings and
3 presentation process and may short-list Submitters before the protest is withdrawn or
4 decided, unless the Protest Official or its designee determines, at their discretion, that it is
5 in the public interest to postpone the short-list announcement prior to a decision. Such a
6 determination shall be in writing and shall state the facts on which it is based.

7 If the Protest Official or its designee concludes that the Submitter filing the protest has
8 established a basis for protest, the Protest Official or its designee will determine what
9 remedial steps, if any, are necessary or appropriate to address the issue raised in the protest.
10 The steps may include, but are not limited to, submitting the issue to WSDOT's Evaluation
11 Committee to determine whether the list of Submitters selected to submit Proposals should
12 be revised; withdrawing or revising the decisions; issuing a new RFQ; or taking other
13 appropriate actions.

14 If the protest is denied, the protesting Submitter may seek judicial review of WSDOT's
15 decision in Thurston County Superior Court within five Calendar Days of receiving
16 WSDOT's decision denying the protest. Each party shall bear its own attorney fees, expert
17 witness fees, and all other legal costs.

18 **8.3 COSTS AND DAMAGES**

19 WSDOT shall not be liable for damages to the Submitter filing the protest or to any
20 participant in the protest, on any basis, express or implied.

21
22 **End of Request for Qualifications**
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Appendix A

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FORM A

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA

(To be included in Appendix C of the Statement of Qualifications)

(Name of Submitter)

We hereby acknowledge receipt of the SR 167 / 8th St E Vic to S 277th St Vic – Southbound HOT Lane Project Request for Qualifications dated _____, and subsequent addenda and responses to questions by the Washington State Department of Transportation as follows:

ADDENDUM No.

Response to Questions No.

Date Issued

_____	_____
_____	_____
_____	_____

(Signed)

Date

(Printed or Typed Name)

(Title)

FORM B1

ORGANIZATIONAL CONFLICT OF INTEREST CERTIFICATION

To be signed by authorized signatory of (Submitter) (Proposer)
(To be included in Appendix C of the Statement of Qualifications)

(Name of Submitter)

My signature below certifies that, prior to submitting this (SOQ) (Proposal), I have conducted an internal review of (Submitter's) (Proposer's) current affiliations and have required (Submitter's) (Proposer's) team members to identify potential, real, or perceived Organizational Conflicts of Interest relative to the anticipated procurement, in accordance with the Secretary's Executive Order E-1059.00 and WSDOT *Organizational Conflict of Interest Manual* M-3043.

I further certify that “*Organizational Conflict of Interest Disclosure and Avoidance/Neutralization Plan*” forms are attached, as listed below, for all real or potential organizational conflicts of interest as defined in WSDOT Organizational Conflict of Interest Manual M-3043 for all (Submitter) (Proposer) team members.

Signed _____ Date _____

Printed Name and Title

List Attachments by name of person or firm potentially conflicted:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FORM B2

ORGANIZATIONAL CONFLICTS OF INTEREST DISCLOSURE AND AVOIDANCE/NEUTRALIZATION/MITIGATION PLAN

To be signed by authorized signatory of Submitter
(To be included in Appendix C of the Statement of Qualifications, if needed)

This disclosure statement outlines potential organizational conflicts of interest, either real or apparent, which as a result of activities or relationships with other persons or entities, such person or entity:

1. Is unable or potentially unable to render impartial assistance or advice to WSDOT; or
2. Is or might be otherwise impaired in its objectivity in performing the contract work; or
3. Has an unfair competitive advantage.

SECTION I of this disclosure statement describes the potential Organizational Conflict of Interest, as described in Secretary's Executive Order E-1059.00 and WSDOT *Organizational Conflict of Interest Manual* M-3043. SECTION II of this disclosure statement describes the management plan for avoiding, or neutralizing the potential Organizational Conflicts of Interest as described in SECTION I of this disclosure statement. I acknowledge that the Washington State Department of Transportation (WSDOT) may require revisions to the management plan described in SECTION II of this disclosure statement prior to approving it, and that WSDOT has the right, in its sole discretion, to limit or prohibit my involvement in the Project as a result of the potential conflicts of interest described in SECTION I of this disclosure statement.

SECTION Ia – Name of Person or Firm Potentially Conflicted

SECTION Ib – Current Project Name and Scope of Work

SECTION Ic – Future Project Name and Description of Potential Conflict Of Interest

SECTION II - Plan for Managing Potential Conflicts Of Interest

Signed _____ Date _____

Printed Name and Title _____